REMARKS

The above directed amendment to the specification inserts the appropriate information in the application regarding priority claims to earlier filed related applications and also clarifies that the application, which was filed as a Continuation application, has been amended to delete claims corresponding to the group elected in the Restriction Requirement dated September 6, 2002 in parent application 09/719277 include to include claims not elected in that Restriction Requirement. Accordingly, the application is a divisional application of 09/719277. No new matter has been added by way of this amendment.

Claims 1 and 31-48 were pending. Claims 1 and 31-48 have been canceled without prejudice herein. Claims 49-91 have been added.

No new matter has been added. Support for claim 49 can be found at least in original claim 28. Support for the language isolated, recombinant, or synthetic in claim 49 can be found at least at page 13, line 28- page 14, line 6. Support for the language "an amino acid sequence of at least 8 amino acids in length" can be found at least at page 12, line 18. Support for the language "comprising a nucleotide sequence corresponding to SEQ ID NO:1 and translated in a reading frame corresponding to the reading frame of SEQ ID NO:1 and +1 to the standard HCV reading frame" can be found at least at page 7, lines 14-23. Support for the language "under conditions where the polypeptide and the antibody can bind, determining the presence or absence of the antibody wherein presence of the antibody indicates infection with HCV" can be found at least at page 28 line 25 to page 29, line 31.

Support for claim 67 can be found at least in original claim 28. Support for the language isolated, recombinant, or synthetic in claim 67 can be found at least at page 13, line 28- page 14, line 6. Support for the language "an amino acid sequence of at least 8 amino acids in length" can be found at least at page 12, line 18. Support for the language "comprising a nucleotide sequence shown in SEQ ID NO:1 and translated in a reading frame +1 to the standard HCV reading frame" can be found at least at page 11, lines 22-24. Support for the language "under conditions where the polypeptide and the antibody can bind, determining the presence or absence of the antibody wherein presence of the antibody indicates infection with HCV" can be found at least at page 28 line 25 to page 29, line 31.

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Support for the language isolated, recombinant, or synthetic in claim 85 can be found at least at page 13, line 28- page 14, line 6. Support for the language "an amino acid sequence of at least 8 amino acids in length" can be found at least at page 12, line 18. Support for the language "comprising a nucleotide sequence shown in SEQ ID NO:1 and translated in a reading frame +1 to the standard HCV reading frame" can be found at least at page 11, lines 22-24. Support for the language "under conditions where the polypeptide and the antibody can bind, determining the presence or absence of the antibody wherein presence of the antibody indicates infection with HCV" can be found at least at page 28 line 25 to page 29, line 31.

Support for claim 90 can be found at least in original claim 25. Support for the language isolated, recombinant, or synthetic can be found at least at page 13, line 28- page 14, line 6. Support for the language "an amino acid sequence of at least 8 amino acids in length" can be found at least at page 12, line 18. Support for the language "comprising a nucleotide sequence shown in SEQ ID NO:1 and translated in a reading frame +1 to the standard HCV reading frame" can be found at least at page 11, lines 22-24. Support for the language "immobilized on a surface" can be found at least at page 29, lines 19-21.

Support for claims 50 and 68 can be found at least at page 2, line 17.

Support for claims 51 and 69 can be found at least at page 2, line 17.

Support for claims 52 and 70 can be found at least at page 2, line 17.

Support for claims 53 and 71 can be found at least in claims 1-4 as filed.

Support for claims 54 and 72 can be found at least at page 12, line 18.

Support for claims 55 and 73 can be found at least at page 10, line 10.

Support for claims 56 and 74 can be found at least at page 12, line 18.

Support for claims 57 and 75 can be found at least in original claim 11.

Support for claims 58 and 76 can be found at least in original claim 12.

Support for claims 59 and 77 can be found at least at least in original claim 12.

Support for claims 60 and 78 can be found at least at page 12, lines 29-30.

Support for claims 61 and 79 can be found at least at page 9, lines 11-23.

Support for claims 62, 80, and 86 can be found at least at page 29, lines 7-18.

Support for claims 63, 81, and 87 can be found at least at page 29, lines 7-18.

Support for claims 64, 82, and 88 can be found at least at page 29, lines 7-18.

Support for claims 65 and 83 can be found at least at page 29, lines 19-21.

Support for claims 66, 84, and 89 can be found at least at page 30, lines 15-25.

Support for claim 91 can be found at least at page 29, lines 23-26.

Cancellation of and/or amendment to the claims should in no way be construed as an acquiescence to any of the Examiner's rejections. The cancellation of and/or amendments to the claims are being made solely to expedite prosecution of the above-identified application. Applicants reserve the option to further prosecute the same or similar claims in the instant or in another patent application.

The Pending Claims

The pending claims all depend from new claims 49, 67, 85, or 90. These claims are supported by the specification as set forth above.

New claim 49 is directed to a method of diagnosing Hepatitis C virus (HCV) infection, comprising contacting an isolated, purified, or synthetic polypeptide comprising an amino acid sequence of at least 8 amino acids in length which amino acid sequence is encoded by an HCV nucleic acid molecule comprising a nucleotide sequence corresponding to SEQ ID NO:1 and translated in a reading frame corresponding to the reading frame of SEQ ID NO:1 and +1 to the standard HCV reading frame with a biological sample from a subject under conditions where the polypeptide and an antibody that binds to the polypeptide present in the sample can bind, and determining the presence or absence of the antibody, wherein presence of the antibody indicates infection with HCV. As set forth, e.g., at page 7 lines 14-23 of the specification this language covers HCV sequences from the core region from isolates other than AF011751 (shown in SEQ ID NO:1) which are read in the same reading frame as SEQ ID NO:1, +1 to the standard reading frame.

New claim 67 is directed to a method of diagnosing Hepatitis C virus (HCV) infection, comprising contacting an isolated, purified, or synthetic polypeptide comprising an amino acid sequence of at least 8 amino acids in length which amino acid sequence is encoded by an HCV nucleic acid molecule which amino acid sequence is encoded by a nucleic acid molecule comprising a nucleotide sequence shown in SEQ ID NO:1 and translated in a reading frame +1 to the standard HCV reading frame with a biological sample from a subject under conditions where the polypeptide and an antibody that binds to the polypeptide present in the sample can bind, and determining the presence or absence of the antibody wherein presence of the antibody indicates infection with HCV.

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New claim 85 is directed to a method of diagnosing Hepatitis C virus (HCV) infection, comprising contacting an isolated, purified, or synthetic polypeptide comprising an amino acid sequence of at least 8 amino acids in length which amino acid sequence is encoded by an HCV nucleic acid molecule comprising a nucleotide sequence corresponding to SEQ ID NO:1 and translated in a reading frame corresponding to the reading frame of SEQ ID NO:1 and +1 to the standard HCV reading frame, which polypeptide is immobilized on a surface, with a biological sample from a subject under conditions where the polypeptide and an antibody that binds to the polypeptide can bind, determining the presence or absence of an antibody that binds to the polypeptide, wherein the presence or absence of the antibody is detected using a secondary antibody or fragment thereof which is detectably labeled, and wherein presence of the antibody indicates infection with HCV.

New claim 90 is directed to a kit for diagnosing Hepatitis C virus (HCV) infection, comprising an isolated, purified, or synthetic polypeptide comprising an amino acid sequence of at least 8 amino acids in length which amino acid sequence is encoded by an HCV nucleic acid molecule comprising a nucleotide sequence corresponding to SEQ ID NO:1 and translated in a reading frame corresponding to the reading frame of SEQ ID NO:1 and +1 to the standard HCV reading frame, which polypeptide is immobilized on a surface.

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CONCLUSION

If a telephone conversation with applicant's agent would expedite the prosecution of the above-identified application, the examiner is urged to call applicant's agent at (617) 227-7400.

Respectfully submitted,

Megan E. Williams
Registration No. 43,270
Attorney for Applicants

LAHIVE & COCKFIELD
28 State Street
Boston, MA 02109
(617) 227-7400

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